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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/927,650

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Michael A. Wise

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EXAMINER

KATCHEVES, BASIL S

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

07/09/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/927,650	<b>Applicant(s)</b> WISE, MICHAEL A.	
	<b>Examiner</b> BASIL KATCHEVES	<b>Art Unit</b> 3635	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-9,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,19,20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 3-8 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,000,145 to Fine.**

Regarding claims 1 and 19, Fine discloses a truss to wall anchor having a first member bottom panel (fig. 4: 14), a first extended region emanating from the bottom panel (fig. 3: 20) and anchoring means for affixing the anchor to the structure (fig. 3). Fine also discloses a second extended region emanating from the bottom panel (fig. 2:20) and having affixing means (holes for fasteners). The applicant should note that there are two extending regions shown best in figure 2 as 20 and 14. These extending regions extend in directions which are opposite to each other and have a fixing means which is the fastener hole and fastener.

Regarding claims 3 and 4, Fine discloses two opposed panels emanating from the bottom panel in a perpendicular manner and having affixing means (fig. 3: 16 and fig. 1: 22).

Art Unit: 3635

Regarding claims 5 and 6, Fine discloses the anchor attached to a wood truss beam (fig. 1: 18).

Regarding claim 7, Fine discloses the use of screws (column 2, lines 8-11) and bolts (fig. 4: 48).

Regarding claim 8, Fine discloses a metal connector.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.**

**Patent No. 3,000,145 to Fine in view of U.S. Patent No. 3,188,696 to Earhart.**

Regarding claim 9, Fine discloses a truss anchor attached to a concrete structure capable of being part of a wall (fig. 1: 32). However, Fine does not disclose fasteners through the first and second regions (fig. 3: 20) and into the concrete wall. Earhart discloses a connecting anchor for connection to concrete including two sections having a fastener embedded in concrete (fig. 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Fine by using fasteners through the holes (fig. 1: 22) to secure to the concrete walls in order to better

Art Unit: 3635

strengthen the anchor since the sidewalls of the truss anchor are already used to screw into the truss.

**Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,000,145 to Fine.**

Regarding claim 20, Fine discloses the claimed invention except for two perpendicular sheets having a perpendicular sheet each. Fine discloses one (fig. 3) sheet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add another component fig. 2: 36 in order to increase the strength of the bond between components, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

### **Response to Arguments**

Applicant's arguments filed 6/15/09 have been fully considered but they are not persuasive. The applicant states that addition of the limitations regarding the second extending region to claim 1 renders the claim allowed over the prior art, according to a conversation with the examiner. However, the examiner does not recall such a conversation. Regardless of any possible conversations, the action above points to a second extended region (see two extending regions 20 and 14 as shown in figure 2) disclosed by Fine.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot, can be reached at (571) 272-6777.

/Basil Katcheves/

Primary Examiner, Art Unit 3635